

**General Plan 2020  
Interest Group Committee Meeting Minutes  
December 3, 2001**

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**Interest Group Committee:**

Bonnie Gendron	Back Country Coalition
Bruce Tabb	Environmental Development
Carolyn Chase	Coalition for Transportation Choices
Dan Silver	Endangered Habitats League
Diane Coombs	Citizen Coordinate for Century 3
Eric Bowlby	Sierra Club
Greg Lambron	Helix Land Company
Jim Whalen	Alliance for Habitat Conservation
Karen Messer	Buena Vista Audubon Society
Kevin Doyle	National Wildlife Federation
Liz Higgins	San Diego Association of Realtors
Matt Adams	Building Industry Association
Mike Stepler	San Diego Regional Economic Development Corporation
Phil Pryde	San Diego Audubon
Scott Aishton	American Institute of Architects
Thure Stedt	Save Our Land Values

**Public at Large:**

Brent McDonald	Caltrans
Charlene Ayers	
David R. Shibley	
Devore Smith	Sierra Club
Dutch Van Dierendonck	Ramona CPG
Jan Van Dierendonck	Ramona
Jeanne Pagett	Fallbrook
Joan Kearney	Ramona
Juliana Bugbee	Lakeside
Lee Vance	
Lynne Baker	EHL
Michael Thometz	MERIT
Parke Troutman	UCSD
Rich Cantillon	
Ruth Potter	
Stacy Berger	UCSD
Thomas Cerruti	Pauma Valley

**County Staff:**

Karen Scarborough (DPLU, group facilitator)  
Gary Pryor (DPLU)  
Ivan Holler (DPLU)  
Michelle Yip (DPLU)  
Dahvia Locke-Rubinstein (DPLU)  
Tom Harron (County Counsel)

## **Agenda Item II: Logistics –**

- a) Minutes for November 5, 2001
  - There were concerns over the revisions made at the November 19<sup>th</sup> meeting (pp. 7, 5<sup>th</sup> bullet under Agenda Item III). Scarborough stated that no vote had taken place on the 19<sup>th</sup>.
  - Adams was concerned with the deletion of “protects land values” from the language. Messer suggested including “habitat” if the group were to retain “protects land values”: *...contingent upon a workable system that protects land and habitat values.*
  - Silver suggested: *...contingent upon a workable system that provides equity through TDRs or other mechanisms.*
  - Scarborough stated that the November 5<sup>th</sup> minutes were to reflect the vote as it was originally stated in the minutes, to have the concerns over the motion reflected in the December 3<sup>rd</sup> minutes.
  - Doyle moved to approve the minutes as amended. Stepner seconded the motion. Motion passed with one opposition (Coombs).
- b) Minutes for November 19, 2001
  - Chase corrected her comment (pp. 3, 2<sup>nd</sup> bullet under Agenda Item IV). She did not specify the city of San Diego but rather referenced cities. She added that she wanted to ensure that receiving areas match areas with infrastructure and service, so to not be limited to the city of San Diego.
  - Gendron corrected her statement (pp. 2, 3<sup>rd</sup> bullet under Non-Agenda Item) to state that due to the increase in employment opportunities, there is a need for residential development to avoid traffic issues. She had also requested that Mike Thometz’s statement regarding the impacts due to an increase in development be added. She also mentioned that Design Standards were to be added.
  - Doyle moved to approve the minutes. Tabb seconded the motion. Motion passed with two abstentions (Stedt and Higgins).
- c) 2002 Calendar
  - Due to a change in work schedule, Messer had asked if it was possible for the committee to meet on Tuesdays or Thursday instead of Mondays.
  - Upcoming meetings are scheduled for Tuesdays, January 8<sup>th</sup> and 22<sup>nd</sup>. Due to conflicting schedules on Tuesdays, the committee decided to schedule their meeting dates at a later time.

## **Agenda Item III: Goals & Policies –**

- Scarborough began the discussion by pointing out policies that were brought up as issues at the last meeting: Land Use I-D, II-A, II-C, II-D, V-K, and Conservation I-G. New issues were brought to the table by the San Diego Audubon Society (Land Use I-H, II-E, Conservation I-H, and Open Space I-A), Sierra Club, and the Building Industry Association (Land Use I-A, I-B, I-C, I-D, I-I, and I-K ).
- Pryde and Stedt requested clarification of Land Use I-A , with regards to “maintaining ridgelines”. Pryor explained that standards must be developed to support Policy A and similar policies.
- Tabb inquired as to who had created the Goals and Policies, and how they were developed. Pryor responded that the Steering Committee had developed the Goals and Policies some time ago. He also indicated that the existing document was merely an unedited version of the Goals and Policies, containing some inconsistencies and weaknesses that might be adjusted or strengthened by Interest Group input.
- Tabb asked if staff expected major changes to this element. Pryor clarified that he did not expect a massive overhaul of the Goals and Policies, but that some changes were likely. Scarborough emphasized her hope that there would not be another major overhaul of this element, as the document has already been through this process. She added her desire to see inconsistencies and conflicts remedied in order to keep the text succinct and to the point.
- Higgins asked about the “standards”, specifically, who would set the standards, when they would do so, and if the committee would have any input in this process. Pryor indicated that the same process

utilized for setting existing related standards would be implemented. He emphasized that relevant standards are required to be consistent with the Goals and Policies to ensure internal consistency within the General Plan. Higgins asked if this meant that there would be a continuation of some committee to develop standards, or if staff would be responsible for establishing standards. Pryor explained that staff would receive general direction from the committee structures and would then attempt to draft standards using appropriate language. Staff would then bring this draft back to the groups as part of an iterative process that would include the committee.

- Adams expressed his general concern that the contents of the Land Use Element be as flexible as possible in order to provide for necessary future development outside of the backcountry. He indicated his unwillingness to vote on language referring to “standards” without knowing the exact nature of those standards.
- Stedt suggested that certain language that inherently creates an inconsistency in the General Plan be removed altogether. He suggested that in cases where the policies direct that standards be provided (i.e. Land Use I-A), the term “develop” be replaced with the word “provide”. He also commented that cases where “shall” is used, “should” would often be more appropriate (i.e. Public Facilities). Pryor clarified that the use of some mandating language is required. For example, “must: should be used in some cases (i.e. the Public Facilities Element *must* be based on the Land Use Element). Stedt indicated that his comment applies to the entire document and is not specific to any one item. He indicated that he finds the “shall be” language problematic throughout the Land Use policies and that this should be reviewed in order to prevent or eliminate the creation of internal inconsistencies in the General Plan.
- Pryor reiterated that we are dealing with a *General Plan*. He clarified that policy statements often do require definition, which is achieved through the use of standards that become part of the Zoning Ordinance or part of another such document. He emphasized that the policies can be general and do not have to be absolute, particularly those policies in which the term “should” is more appropriate than “shall”. Pryor further explained that the flexibility in policies with mandatory language may be found in *how* the requirements are met. Pryor pointed out that the value of the policies is that they necessarily amplify the goals and describe in more detail how the goal should be achieved.
- Pryor stated that he would like to receive basic policy direction so that policies may be edited and returned for the committee’s endorsement. Whalen suggested that some wordsmithing was in order. He also suggested that the following items be added to or included in the Plan: 1) an Energy Element, 2) language on annexations, 3) language on the provision of adequate levels of housing, 4) coordination of the TDR and equity mechanisms with the rest of the Plan. Scarborough said that if a motion were necessary, these four items would be added to that motion.
- Pryor emphasized that the policies are not intended to address all issues. He elaborated by saying that while tools such as the RPO sufficiently address many issues, there may be particular items that the group may wish to further address through the development of a policy. Pryor recommended selecting policy items by going to the core of the issue (i.e., “floodplains” and determining whether or not the issue should be dealt with using a policy. Using this criteria alone, a policy could be developed and the implementing tool discerned later.
- Stepner stated that it is necessary to provide definitive standards, to leave strong words in as mandates. Harron replied that you have to be careful with mandatory language in order to ensure consistency with the other elements.
- Chase asked where these policies will go in the General Plan, and what legal relevance they will have. Pryor responded that each element will have goals, policies to implement that goal, and what ordinances will follow up with that. These will be the basis for drafting the new elements. Circulation and environmental policies have to be based on land use policies, so the Land Use element will be first.
- Tabb feels that this document tries to inhibit, rather than provide, housing and that it has an “environmental slant” to it that it does not seem like a good place to start from. He does not like the term “built environment.” Pryor replied that “built environment” does not apply only to housing. Tabb wants to make the language more balanced. Bowlby replied that these goals and policies do not inhibit development but rather, specify how development will occur.
- Silver stated that this document has been driven mainly by the Steering Committee and asked if any of the changes that this committee makes will go back to the Steering Committee. Scarborough stated that this committee needs to have “a crack at this”, and although the Steering Committee and

the Interest Group Committee's revisions go back and forth, the Steering Committee does not vote on the Interest Group Committee's revisions.

- Adams pointed out an inconsistency between Housing I-A: "New housing development at urban densities shall be located within or adjacent to existing urban areas" and Land Use II-D: "Development that is adjacent to incorporated areas shall retain the character of the unincorporated community and shall use open space and other techniques where adjacent uses and densities are incompatible."
- Messer stated that the TDR/PDR program is missing from this list and asked if this was an appropriate place to starting inserting this. Pryor stated that TDR/PDRs are an implementing strategy, no different from the zoning ordinance. He said to refrain from putting implementing strategies in the goals and policies. Whalen stated that TDR/PDRs need to be coordinated with the General Plan. Stedt said that we need a policy that addresses the equity mechanism.
- Adams stated that he had a problem with the definition of the word "standards" in Land Use I-A and I-C.
- Pryde stated that the language should read "maintain ridgelines where appropriate."
- Adams asked Pryor if standards will or will not be developed to maintain ridgelines where appropriate. Pryor replied that if the word "standards" is put in, then a set of standards will have to be developed like it was for slope (i.e. ratios). If it reads "where appropriate," then staff will have to determine where it is appropriate; this can be done graphically, textually, but a mathematical formula will not be necessary. Standards imply that certain criteria will be set.
- It was suggested to change "standards" to "criteria".
- **Vote on Land Use I-A:** Provide criteria to maintain ridgelines where appropriate. Motion was passed on general concurrence.
- Stedt suggested the language: "Development should be in harmony with existing topography."
- Messer said that she liked the language "provide criteria" because it gives direction but is still flexible. Scarborough suggested: "Provide criteria to harmonize development with existing topography."
- **Vote on Land Use I-B:** The proposal was modified to read: "Require development which is in harmony with existing topography." Motion passed 13 – 1 (Stedt in opposition).
- **Vote on Land Use I-C:** Scarborough proposed combining I-A and I-C: "Provide criteria to maintain viewsheds and ridgelines." Motion was passed on general concurrence.
- Scarborough set out Pryde's proposal to add the following language to I-D: "...including periodic natural wetlands."
- Whalen asked if the County of San Diego believes that there is jurisdiction over vernal pools outside of the County's jurisdiction. He stated that there are many differences of opinion on many fronts. Pryor answered that there may be a question of vernal pools under Federal jurisdiction, but local governments still have the ability to craft protection standards, as long as they are not less than the Federal or State requirements. Bowlby stated that MSCP definitions for wetlands are different than the Federal definitions for wetlands, and they include the periodic natural wetlands that are unique to Southern California.
- Higgins asked who will determine what the periodic natural wetlands are and how they should be protected. Pryor responded that there is language currently on the books that addresses this issue already. Local governments have their own powers they can exercise, whether or not it chooses to exercise it or not.
- Stedt asked for the definition of a "body of water" and the criteria used to determine what is and what is not a body of water. Adams stated that this kind of discussion is best left to the RPO and other such mechanisms.
- Tabb stated that he does not believe that the language "periodic natural wetlands" should appear in the document because he believes that there are some periodic natural wetlands that should not be protected.
- Bowlby stated that the Sierra Club wants protection for vernal pools and ephemeral streams, and that this is an excellent place to make that statement in the policy. The language "periodic natural wetlands" helps define San Diego County's unique water bodies.
- Whalen stated that he believes that there is a way to address what Pryde is asking for—that the integrity of bodies of water requires the protection of not just flowing streams. However, this document is not the right place for it.

- Messer proposed adding the language “where appropriate” to read: “...including periodic natural wetlands where appropriate.” The committee did not agree to this language.
- **Vote on Land Use I-D:** “Protect the integrity of bodies of water, including periodic natural wetlands.” Motion denied 6 – 8. Scarborough proposed to incorporate the language to read: “...including periodic natural wetlands as appropriate.” Motion passed 10 – 5 – 1 (Adams, Whalen, Lambron, Stedt, and Higgins in opposition; Tabb abstained).
- Pryde stated that Land Use I-H should read “west of the CWA service line.”
- Stedt made a motion to change the language from “should” to “shall.” Messer spoke against Stedt’s motion. Harron said to think of the General Plan as an “abling law” not as an exact, specific, mandatory law. A General Plan consists of goals and policies, whereas zoning consists of specific requirements. Messer stated that she is uncomfortable with the language “should.” She likes the formulation that reads “provide criteria” because it is a direction but allows for flexibility.
- Harron stated that the section of the Government Code that deals with General Plans specifically states that a local government is required to take action on the goals and policies of a General Plan and show how they are being implemented.
- Coombs supported the use of stronger language in specific cases. Stepner stated that he believes that “should” does not provide strong enough direction. Bowlby said that each policy would have to be addressed one by one to see if a “shall” is appropriate for it.
- Doyle wondered if any further wordsmithing of the goals and policies would really give staff any more direction than the current language already provides. Pryor stated that whether it states “should” or “shall,” staff is going to have to develop some measurable way of enforcing it. General Plan 2020 is setting a whole different paradigm for how development is regulated in this County, because we are looking at where growth will and will not go. We are creating a structure that is predictable and measurable, and everyone knows what to expect.
- Higgins voiced her support for “should” rather than “shall.”
- Chase stated that the goals and policies are internally inconsistent. Pryor stated that these goals and policies were never intended to be absolute.
- Doyle asked if staff could come back to the committee with what they see as major problem areas in the goals and policies, to provide the committee with direction in this area.
- Stedt changed his motion to ask staff to address what they see as the internal inconsistencies in the goals and policies, clarify language, address omissions, judge the goals and policies against the work of the committee for the past year to date, and bring that information back to the committee on January 8, 2002.
- Pryde proposed to add that staff would also look at the comments that have been submitted by the three groups and incorporate those that are appropriate. Stedt agreed.
- Messer stated that people on the environmental side would not like to see Land Use I-F changed to read only “should” and would like to see some more specific language. Pryor asked if it would be acceptable if staff could demonstrate how this could be accomplished without a “shall” but with something like RPO. Messer agreed to that proposal.
- **Vote:** Motion passed unanimously.

#### **Agenda Item V: Public Comments –**

- Dutch Van Dierendonk requested that Pryor and Holler put the goals and policies on the next Steering Committee agenda as simple questions that address the intent of the goals and policies.
- Dave Shibley stated that implementing tools are valuable with both “shall” and “should” and voiced his support for shifting future development towards existing development and spheres of influence.